

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STEPHEN HUTCHINSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:18-cv-761

JUDGE DOUGLAS R. COLE

Magistrate Judge Karen Litkovitz

ORDER

On May 18, 2020, Magistrate Judge Litkovitz issued a Report and Recommendation (the “R&R”) (Doc. 22), recommending that this Court overrule Plaintiff Stephen Hutchinson’s statement of errors as to the Administrative Law Judge’s (“ALJ”) decision to deny Hutchinson’s applications for disability insurance benefits (“DIB”) and supplemental security income (“SSI”). The R&R advised the Parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, which includes the right to District Court review. (See Doc. 22, #3344 (first citing *Thomas v. Arn*, 474 U.S. 140, 149–53 (1985); then *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981)).

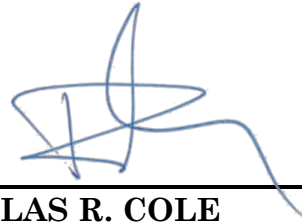
Now, the time period for objection has run, and no party has objected. 28 U.S.C. § 636(b)(1)(C). “There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate’s report to which no objections are filed.” *Thomas*, 474 U.S. at 152; see also *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting “fail[ure] to file an objection to the magistrate judge’s R&R ... is forfeiture, not waiver”) (emphasis in original).

Thus, the Court **ADOPTS** Magistrate Judge Litkovitz's R&R (Doc. 22), and thereby **OVERRULES** Hutchinson's Statement of Errors (Doc. 14), **AFFIRMS** the Commissioner of Social Security's decision, and **DISMISSES WITH PREJUDICE** Hutchinson's Complaint (Doc. 1). The Court **DIRECTS** the Clerk to enter judgment accordingly.

SO ORDERED.

June 18, 2020

DATE



DOUGLAS R. COLE

UNITED STATES DISTRICT JUDGE